

1-1 By: Ellis S.B. No. 1704
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Jurisprudence; May 6, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 4, Nays 0; May 6, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1704 By: Wentworth

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to jury service.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 61.001, Government Code,
1-12 is amended to read as follows:

1-13 (a) Each grand juror or petit juror in a civil or criminal
1-14 case in a district court, criminal district court, county court,
1-15 county court at law, or justice court is entitled to receive as
1-16 reimbursement for travel and other expenses an amount:

1-17 (1) not less than \$6 for the first day or fraction of
1-18 the first day served as a juror; and

1-19 (2) not less than \$40 [~~nor more than \$50~~] for each day
1-20 or fraction of each day served as a juror after the first day.

1-21 SECTION 2. Chapter 61, Government Code, is amended by
1-22 adding Section 61.0015 to read as follows:

1-23 Sec. 61.0015. REIMBURSEMENT TO COUNTY. (a) The state
1-24 shall reimburse a county \$34 a day for the reimbursement paid to a
1-25 grand juror or petit juror under Section 61.001 for each day or
1-26 fraction of each day served as a juror after the first day.

1-27 (b) The commissioners court of a county entitled to
1-28 reimbursement under this section may file a claim for reimbursement
1-29 with the comptroller.

1-30 (c) The comptroller shall pay claims for reimbursement
1-31 under this section quarterly to the county treasury of each county
1-32 that filed a claim.

1-33 SECTION 3. Section 62.0141, Government Code, is amended to
1-34 read as follows:

1-35 Sec. 62.0141. FAILURE TO ANSWER JURY SUMMONS. In addition
1-36 to any criminal penalty prescribed by law, a person summoned for
1-37 jury service who does not comply with the summons as required by law
1-38 or who knowingly provides false information in a request for an
1-39 exemption or to be excused from jury service is subject to a
1-40 contempt action punishable by a fine of not less than \$100 nor more
1-41 than \$1,000.

1-42 SECTION 4. Subchapter A, Chapter 62, Government Code, is
1-43 amended by adding Section 62.0142 to read as follows:

1-44 Sec. 62.0142. POSTPONEMENT OF JURY SERVICE. (a) A person
1-45 summoned for jury service may request a postponement of the
1-46 person's initial appearance for jury service. The person may
1-47 request the postponement by contacting the clerk of the court in
1-48 person, in writing, or by telephone before the date on which the
1-49 person is summoned to appear.

1-50 (b) On receipt of a request under Subsection (a), the clerk
1-51 of the court shall grant the person a postponement if:

1-52 (1) the person has not been granted a postponement in
1-53 that county during the one-year period preceding the date on which
1-54 the person is summoned to appear; and

1-55 (2) the person and the clerk determine a substitute
1-56 date on which the person will appear for jury service that is not
1-57 later than six months after the date on which the person was
1-58 originally summoned to appear.

1-59 (c) A person who receives a postponement under Subsection
1-60 (b) may request a subsequent postponement in the manner described
1-61 by Subsection (a). The clerk of the court may approve the
1-62 subsequent postponement only because of an extreme emergency that
1-63 could not have been anticipated, such as a death in the person's

2-1 family, sudden serious illness suffered by the person, or a natural
2-2 disaster or national emergency in which the person is personally
2-3 involved. Before the clerk may grant the subsequent postponement,
2-4 the person and the clerk must determine a substitute date on which
2-5 the person will appear for jury service that is not later than six
2-6 months after the date on which the person was to appear after the
2-7 postponement under Subsection (b).

2-8 SECTION 5. Subchapter A, Chapter 102, Code of Criminal
2-9 Procedure, is amended by adding Article 102.0045 to read as
2-10 follows:

2-11 Art. 102.0045. FEE FOR JURY REIMBURSEMENT TO COUNTIES. A
2-12 person convicted of any offense, other than an offense relating to a
2-13 pedestrian or the parking of a motor vehicle, shall pay as a court
2-14 cost, in addition to all other costs, a fee of \$4 to be used to
2-15 reimburse counties for the cost of juror services as provided by
2-16 Section 61.0015, Government Code.

2-17 SECTION 6. Section 102.021, Government Code, is amended to
2-18 read as follows:

2-19 Sec. 102.021. COURT COSTS ON CONVICTION. A person
2-20 convicted of an offense shall pay, in addition to all other costs:

2-21 (1) court costs on conviction of a felony (Sec.
2-22 133.102, Local Government Code) . . . \$133;

2-23 (2) court costs on conviction of a Class A or Class B
2-24 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

2-25 (3) court costs on conviction of a nonjailable
2-26 misdemeanor offense, including a criminal violation of a municipal
2-27 ordinance, other than a conviction of an offense relating to a
2-28 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
2-29 Government Code) . . . \$40;

2-30 (4) court costs on certain convictions in statutory
2-31 county courts (Sec. 51.702, Government Code) . . . \$15;

2-32 (5) court costs on certain convictions in certain
2-33 county courts (Sec. 51.703, Government Code) . . . \$15;

2-34 (6) a time payment fee if convicted of a felony or
2-35 misdemeanor for paying any part of a fine, court costs, or
2-36 restitution on or after the 31st day after the date on which a
2-37 judgment is entered assessing the fine, court costs, or restitution
2-38 (Sec. 133.103, Local Government Code) . . . \$25;

2-39 (7) a fee for services of prosecutor (Art. 102.008,
2-40 Code of Criminal Procedure) . . . \$25;

2-41 (8) fees for services of peace officer:
2-42 (A) issuing a written notice to appear in court
2-43 for certain violations (Art. 102.011, Code of Criminal
2-44 Procedure) . . . \$5;

2-45 (B) executing or processing an issued arrest
2-46 warrant or capias (Art. 102.011, Code of Criminal
2-47 Procedure) . . . \$50;

2-48 (C) summoning a witness (Art. 102.011, Code of
2-49 Criminal Procedure) . . . \$5;

2-50 (D) serving a writ not otherwise listed (Art.
2-51 102.011, Code of Criminal Procedure) . . . \$35;

2-52 (E) taking and approving a bond and, if
2-53 necessary, returning the bond to courthouse (Art. 102.011, Code of
2-54 Criminal Procedure) . . . \$10;

2-55 (F) commitment or release (Art. 102.011, Code of
2-56 Criminal Procedure) . . . \$5;

2-57 (G) summoning a jury (Art. 102.011, Code of
2-58 Criminal Procedure) . . . \$5;

2-59 (H) attendance of a prisoner in habeas corpus
2-60 case if prisoner has been remanded to custody or held to bail (Art.
2-61 102.011, Code of Criminal Procedure) . . . \$8 each day;

2-62 (I) mileage for certain services performed (Art.
2-63 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

2-64 (J) services of a sheriff or constable who serves
2-65 process and attends examining trial in certain cases (Art. 102.011,
2-66 Code of Criminal Procedure) . . . not to exceed \$5;

2-67 (9) services of a peace officer in conveying a witness
2-68 outside the county (Art. 102.011, Code of Criminal
2-69 Procedure) . . . \$10 per day or part of a day, plus actual

- 3-1 necessary travel expenses;
- 3-2 (10) overtime of peace officer for time spent
- 3-3 testifying in the trial or traveling to or from testifying in the
- 3-4 trial (Art. 102.011, Code of Criminal Procedure) . . . actual
- 3-5 cost;
- 3-6 (11) court costs on an offense relating to rules of the
- 3-7 road, when offense occurs within a school crossing zone (Art.
- 3-8 102.014, Code of Criminal Procedure) . . . \$25;
- 3-9 (12) court costs on an offense of passing a school bus
- 3-10 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 3-11 (13) court costs on an offense of truancy or
- 3-12 contributing to truancy (Art. 102.014, Code of Criminal
- 3-13 Procedure) . . . \$20;
- 3-14 (14) cost for visual recording of intoxication arrest
- 3-15 before conviction (Art. 102.018, Code of Criminal
- 3-16 Procedure) . . . \$15;
- 3-17 (15) cost of certain evaluations (Art. 102.018, Code
- 3-18 of Criminal Procedure) . . . actual cost;
- 3-19 (16) additional costs attendant to certain
- 3-20 intoxication convictions under Chapter 49, Penal Code, for
- 3-21 emergency medical services, trauma facilities, and trauma care
- 3-22 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- 3-23 (17) cost for DNA testing for certain felonies (Art.
- 3-24 102.020, Code of Criminal Procedure) . . . \$250;
- 3-25 (18) court cost on an offense of public lewdness or
- 3-26 indecent exposure (Art. 102.020, Code of Criminal
- 3-27 Procedure) . . . \$50;
- 3-28 (19) court cost on conviction of a misdemeanor under
- 3-29 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
- 3-30 Transportation Code) . . . \$3;
- 3-31 (20) cost for impoundment of vehicle (Sec. 601.263,
- 3-32 Transportation Code) . . . \$15 per day; ~~and~~
- 3-33 (21) a civil and criminal enforcement cost on
- 3-34 conviction of an offense of, or related to, the nonpayment of a toll
- 3-35 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;
- 3-36 and
- 3-37 (22) court cost on conviction of any offense, other
- 3-38 than a conviction of an offense relating to a pedestrian or the
- 3-39 parking of a motor vehicle (Art. 102.0045, Code of Criminal
- 3-40 Procedure) . . . \$4.

3-41 SECTION 7. (a) The changes in law made by Sections 3 and 4
 3-42 of this Act apply only to a person summoned to appear for jury
 3-43 service who is required to appear on or after September 1, 2005. A
 3-44 person summoned to appear for jury service who is required to appear
 3-45 before September 1, 2005, is governed by the law in effect on the
 3-46 date the person is required to appear, and the former law is
 3-47 continued in effect for that purpose.

3-48 (b) Article 102.0045, Code of Criminal Procedure, as added
 3-49 by this Act, applies only to a defendant convicted of a criminal
 3-50 offense that is committed on or after September 1, 2005. A
 3-51 defendant convicted of a criminal offense that is committed before
 3-52 September 1, 2005, is governed by the law in effect at the time the
 3-53 offense was committed, and that law is continued in effect for that
 3-54 purpose. For purposes of this section, an offense is committed
 3-55 before September 1, 2005, if any element of the offense occurs
 3-56 before that date.

3-57 SECTION 8. (a) Except as provided by Subsection (b) of
 3-58 this section, this Act takes effect September 1, 2005.

3-59 (b) Sections 1 and 2 of this Act take effect January 1, 2006.

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